HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (C) NO. 3791 of 2007

Petitioners

1. Priya Sahu W/o Set Ram Sahu, aged about 60 years, Occupation Labour, resident of Sarangarh Road, District Raigarh, C.G.
2. Kailash Tiwari S/o Vindeshwari Tiwari, aged about 50 years, Occupation Business, resident of Sarangarh Road, District Raigarh, C.G.
3. Smt. Parwati W/o Haripad Rai, aged about 60 years, Occupation Labour, resident of Sarangarh Road, District Raigarh, C.G.
4. Jai Ram Yadav S/o Mahadev Yadav, aged about 44 years, Occupation Business, resident of Sarangarh Road, District Raigarh, C.G.
5. Bajrang Agrawal S/o Rameshwar Agrawal, aged about 40 years, Occupation Business, resident of Sarangarh Road, District Raigarh, C.G.

Versus

Respondent

1. State of Chhattisgarh through - the Collector, Raigarh
2. Municipal Corporation, through its Commissioner, Raigarh, Distt. Raigarh (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(SB: Hon'ble Shri Justice Satish K. Agnihotri)

Present :- Shri Amit Sharma, Advocate for the petitioners.
Shri Yashwant Singh Thakur, Govt. Advocate for the State/respondent No. 1.
Shri B.D. Guru, Advocate for the respondent No. 2.

ORDER
(Passed on this 3rd day of July, 2007)

1. Learned counsel appearing for the petitioners submit that the petitioners are poor persons and carrying of business on mobile thelas, selling tea, biscuit etc. to make both ends meet. The petitioners have been in possession of the disputed property for the last 30 years. They would suffer irreparable loss, if without proper

rehabilitation to them, they are removed from the disputed place without giving proper opportunity.

2. Learned counsel further submits that pursuant to the notice dated 29.5.2007 (Annexure P/3 collectively), the petitioners have submitted their replies to the authorities on 5.6.2007 (Annexure P/4 collectively), but the respondents/authorities have not taken any decision on the said replies.

3. Shri B.D. Guru, learned counsel appearing for the respondent No. 2/Municipal Corporation, Raigarh categorically submits that no steps for demolition shall be taken before passing the order on the replies submitted by the petitioners.

4. The respondents/authorities are directed to verify the facts of the case, as stated by learned counsel appearing for the petitioners and in the event, it is found proved, the respondents/authorities may take steps for proper rehabilitation of the petitioners before taking any further steps.

5. Learned counsel appearing for the petitioners submit that in view of the above-stated submissions made by learned counsel appearing for the respondent No. 2, nothing survives in this matter for the time being, at this stage.

6. In view of the above, the writ petition is accordingly disposed of.

Sd/-
Satish K. Agnihotri
Judge

B/-